



NEW AMERICA  
FOUNDATION

September 8, 2004

**Via Electronic Submission**

Ms. Marlene H. Dortch  
Secretary  
Federal Communication Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

*Re: MB Docket No. 03-185*

Dear Ms. Dortch:

On Thursday, September 2, 2004, at 2:48 p.m., I sent an email message to Bryan Tramont, with copies of the same to Cheryl Wilkerson and Jonathan Cody, expressing concern that policies being considered in the above-referenced proceeding could have an adverse impact on the future availability of TV band spectrum for unlicensed citizen access. A copy of that email is attached.

Sincerely yours,

Michael Calabrese  
Vice President and Director,  
Spectrum Policy Program

**From:** Michael Calabrese

**Sent:** Thursday, September 02, 2004 2:48 PM

**To:** btrumont@fcc.gov

**Subject:** Our concern that 03-185 will undermine the Unlicensed TV band proceeding

**Importance:** High

Bryan,

I left you a voice mail, but wanted to follow-up. Based on what we hear, we believe 03-185 (digital transition for LPTV/Translators, etc) may greatly undermine - if not effectively kill - the Chairman's TV band unlicensed proceeding. If thousands of LPTV, translator and booster licensees receive the same rights as high-power stations -- particularly the right to use the entire 6 MHz in the core for auxiliary services -- there will be little left for unlicensed broadband (and every incentive for new translator applications, as they can satisfy the broadcasting requirement on less than 1 MHz).

We understand this will be blasted as a giveaway, but more importantly, the Commission must decide whether it wants to use up the lion's share of rural broadcast band white space for TV translator stations or for rural broadband Internet service. It's been our understanding that expanding rural broadband Internet service was a higher priority than expanding the spectrum used by conventional broadcasting service. Moreover, this expansion in rights comes with no attached PIOs. If this order gets passed, it will invite huge speculation in the broadcast band - speculators will occupy every channel and the promise of unlicensed as a third pipe in the last mile will be greatly undermined.

Our first choice would be to pull this item from next week's agenda until OET can study the interactivity with the NPRM on unlicensed in the TV Band. Our second choice would be a requirement that any auxiliary services in the same band be on an unlicensed, or co-equal, basis with unlicensed service. Indeed, unlike 1997 - when it was assumed the ancillary bandwidth might otherwise be wasted - these secondary licensees should receive no additional auxiliary licensed rights; and the Commission should reserve its authority to co-locate or relocate them as needed to enhance spectrum efficiency. We also oppose "loaning" a second channel to existing licensees - consistent with the Feree plan, they should be able to make a flash cut transition when the high-power stations turn off analog.

Thank you very much for your consideration. Thanks,

Michael Calabrese

VP & Director, Spectrum Policy Program  
New America Foundation  
1630 Connecticut Ave, NW  
7th Floor  
Washington, DC 20009  
(202) 986-2700  
Fax 986-3696